

**AMENDMENTS TO THE DRAWINGS**

Applicants request that drawing Figures 4 and 5 be canceled from consideration of this patent application.

## **REMARKS**

Claims 4 and 8-14 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

## **SPECIFICATION**

The specification stands objected to for certain informalities. Applicant has amended the specification by deleting FIGS. 4 and 5. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

## **CLAIM OBJECTION**

Claim 7 stands objected to as being of improper dependent form. By way of the present Amendment, Applicant has canceled Claim 7, thereby rendering this objection moot. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

## **REJECTION UNDER 35 U.S.C. § 112**

Claims 1-9 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

By way of the present Amendment, Applicant has canceled Claims 1-3 and 5-7, thereby rendering the rejection related thereto moot. However, Claim 5 has been rewritten in independent form as Claim 11. Furthermore, Claims 4 and 9 have been amended. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gondek (U.S. Pat. No. 3,060,688) in view of Gondek (U.S. Pat. No. 2,916,879). This rejection is respectfully traversed.

At the outset, Applicant wishes to note that independent Claim 1 has been canceled and rewritten as Claim 10. As such, Applicant respectfully submits that Gondek '688 and Gondek '879, either singly or in combination, fail to teach or suggest the claimed invention. More particularly, Applicant submits that Gondek '688 teaches a hydraulic system having a three position valve piston 26—namely a first position (FIG. 2) when the pump is operating in a forward direction, a second position (FIG. 3) when the pump is operating in a reverse direction, and a third position (FIG. 1) when the pump is not operating and the “springs 41 and 42 urge the valve piston 26 into the centered position” (Col. 2, lines 40-42). In this regard, the pump of Gondek '688 must be operating to positively apply or remove hydraulic pressure acting on piston 50.

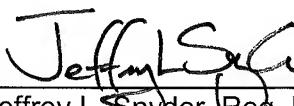
In contrast, the present claims define an actuator having a slide 12 that is biased into a position that permits the cylinder/piston unit 1 to be in fluid communication with a sump 16. In other words, when the reversible motor/pump unit 3 is deactivated, leakage within the motor/pump unit 3 and/or pressure decay will cause slide 12 to be opened due to the biasing force and thus open dump valve 8 to permit fluid flow from cylinder/piston unit 1 to the sump 16. This provides a “fail safe” function, because in the event of a power failure (complete deactivation of the pump), the piston 5 of the cylinder/piston unit 1 will be released. However, in order to hold the piston 5 under pressure, the motor/pump unit 3 need only compensate for its own inner leakage, which contributes to low power consumption of the actuator. Such limitations are specifically enumerated in the currently pending claims. Accordingly, Applicant submits that the prior art of record fails to teach or suggest the claimed invention. Reconsideration and withdrawal of the rejection are respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: July 9, 2007

By:   
Jeffrey L. Snyder, Reg. No. 43,141

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

JLS/kh